

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda June 25, 2013 7:00 P.M.

Call to Order - **Council President Garcia-Martinez called the meeting to order at 7:18 p.m.**

Roll Call of Council Members– **All Present**

- **Also present were:**
 - **Carlos Hernandez, Mayor**
 - **Marbelys Fatjo, Acting City Clerk**
 - **William Grodnick, City Attorney**

Invocation given by Police Chaplain, Leo Thalassites

Pledge of Allegiance led by Councilman Paul B. Hernandez

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations

- (1) Retired City of Hialeah Police Department Lieutenant Leo Thalassites is recognized and promoted to Police Reserve Captain.

REPORT: Presentation of a plaque to Mr. Thalassites was done by Hialeah Police Officer, Carl Zogby and Hialeah Police Chief, Sergio Velazquez. Mayor Hernandez stated that Mr. Thalassites is loved, admired for his integrity and a great friend.

REPORT: Leo Thalassites thanked the City and stated that it is an honor to be a part of the Hialeah Police Department.

REPORT: Hialeah Police Officer Carl Zogby recognized Hillah Mendez, the new police legal advisor.

- (2) Retired City of Hialeah Police Department Major Philip Bidart is recognized for his dedication and years of service to the City.

REPORT: Hialeah Police Officer Carl Zogby recognized Mr. Bidart for his 33 years of full time police work with the City of Hialeah. Hialeah Police Chief Sergio Velazquez stated that it was a privilege to have worked with Mr. Bidart. Mayor Hernandez thanked Mr. Bidart for continuing to assist the City even after his retirement.

- (3) Susana Onoro of the American Cancer Society recognizes Mayor Hernandez and the City of Hialeah for support and participation in the American Cancer Society's 2013 Relay for Life.

REPORT: Liliam Machado thanked the Mayor and the Council, and stated that the City has made history in Relevé Por La Vida. She further stated that this is the tenth year that the City of Hialeah has participated, and that every City should follow the example of the City of Hialeah. Maria Hidalgo recognized the teams comprised of City employees who participated, and an award was given to Mayor Hernandez, Council President Garcia-Martinez, Councilman Hernandez, and Councilwoman Cue-Fuente.

- (4) Councilman Paul Hernandez presents Certificates of Appreciation to the following individuals from the Miami Dade College Hialeah Campus for winning the Columbia Scholastic Press Association Gold Crown Award:

- Dr. Ana Maria Bradley-Hess, Dean of Academic and Student Affairs
- Priscilla Suarez, Assistant Dean of Academic and Student Affairs
- Victor Calderin, English Faculty
- Dr. Ivonne Lamazares, English Faculty
- Nerys Torralbas, Editor in Chief, *Café Cultura*
- Rosendo de Vicente, Designer, Copy Editor, *Café Cultura*

1. Announcement of Amendments/Corrections to the Agenda -

2. Consent Agenda –

Mayor Hernandez requested separate discussion on item EE of the Consent Agenda.

Motion to Approve the Consent Agenda, except item EE, made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

- A. Request permission to increase purchase order # 2013-336, since it is advantageous to the City, issued to HD Supply Power Solutions, LTD., to purchase electrical supplies needed for emergency repairs, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- B. Request permission to increase purchase order # 2013-437, since it is advantageous to the City, issued to Graybar Electric Company, Inc., to purchase electrical supplies needed for emergency repairs, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- C. Request permission to increase purchase order # 2013-1467, since it is advantageous to the City, issued to Unlimited Roofing Services, Inc., for roofing service and lightweight insulating concrete for the 36-Unit Elderly Housing Project, by an additional amount of \$5,915, for a new total cumulative amount not to exceed \$79,215. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- D. Request permission to increase purchase order # 2013-2036, since it is advantageous to the City, issued to WeGiveSoundAdvice, Inc., for additional audio visual equipment and installation at the Milander Complex, by an additional amount of \$31,485.91, for a new total cumulative amount not to exceed \$71,875.05. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- E. Request permission to increase purchase order # 2013-1264, since it is advantageous to the City, issued to U.S. Brick & Block Systems, LLC, for the installation of pavers at the Milander Complex, by an additional amount of \$1,785.60, for a new total cumulative amount not to exceed \$74,885.60. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- F. Request permission to increase purchase order # 2013-2115, since it is advantageous to the City, issued to Rigo's Portable Welding, Inc., d/b/a All in One Foam and Stone Design, for additional keystone work at the Milander Complex, by an additional amount of \$23,175, for a new total cumulative amount not to exceed \$40,175. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- G. Request permission to increase purchase order # 2013-51, since it is advantageous to the City, issued to God is Good Corp., for additional painting at Milander Auditorium, by an additional amount of \$33,187, for a new total cumulative amount not to exceed \$108,187. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- H. Request permission to increase purchase order # 2013-2105, since it is advantageous to the City, issued to Silmar Electronics, Inc., for additional CCTV equipment for the Milander Complex, by an additional amount of \$1,200, for a new total cumulative amount not to

exceed \$18,078. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**

- I. Request permission to increase purchase order # 2013-1344, since it is advantageous to the City, issued to J.F.B. Acoustic Ceiling, Inc., for acoustical ceiling tiles at the Milander Complex, by an additional amount of \$2,360, for a new total cumulative amount not to exceed \$46,360. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- J. Request permission to increase purchase order # 2013-1260, since it is advantageous to the City, issued to Graybar Electric Company, Inc., for additional light fixtures at Milander Auditorium, by an additional amount of \$1,694.71, for a new total cumulative amount not to exceed \$160,226.36. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- K. Request permission to increase purchase order # 2013-1780, since it is advantageous to the City, issued to Stage Equipment & Lighting, Inc., for additional stage and decorative lighting at the Milander Complex, by an additional amount of \$14,390.67, for a new total cumulative amount not to exceed \$65,736.67. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- L. Request permission to issue a new purchase order to Atlantic Coast Fire Equipment Co., since it is advantageous to the City, to purchase an additional kitchen hood system for the Milander Complex, for a total cumulative amount not to exceed \$900. Atlantic Coast Fire Equipment Co., lowest responsive bidder, was awarded Hialeah Bid # 2011/2012-3230-00-029 - Milander Auditorium – Kitchen Hood System, on February 14, 2012, for a total cumulative amount not to exceed \$31,900. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- M. Request permission to issue a new purchase order to G & R Electric Corp., since it is advantageous to the City, for additional electrical work at the 72-Unit Elderly Housing Project, for a total cumulative amount not to exceed \$13,900. G & R Electric Corp., lowest responsive bidder, was awarded Hialeah Bid # 2011/12-3230-00-022 – 72-Unit Elderly Housing Project - Electrical, on June 12, 2012, for a total cumulative amount not to exceed \$610,000. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- N. Request permission to issue a new purchase order to Ducool USA, Inc. d/b/a Advantix Systems, since it is advantageous to the City, for additional heating, ventilation, and air conditioning (HVAC) equipment at the Milander Complex, for a total cumulative amount not to exceed \$1,980.87. Ducool USA, Inc. d/b/a Advantix Systems, sole responsive bidder, was awarded Hialeah Bid # 2010/11-3230-00-050 – HVAC Equipment – Milander Complex, on October 25, 2011, for a total cumulative amount not to exceed \$100,500. (CONSTRUCTION AND MAINTENANCE DEPT.) **APPROVED (7-0)**
- O. Request permission to issue a new purchase order to Schindler Elevator Corporation, since it is advantageous to the City, for additional elevator work at Milander Auditorium, for a total cumulative amount not to exceed \$3,944. Schindler Elevator Corporation was awarded Hialeah Bid # 2009/10-3230-00-094 – Milander Auditorium – Elevator, on March

22, 2011, for a total cumulative amount not to exceed \$49,450. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**

- P.** Request permission to issue a new purchase order to Cynamon Bros & Sons, Inc., since it is advantageous to the City, for doors and hardware at Milander Auditorium, for a total cumulative amount not to exceed \$12,003.77. Cynamon Bros & Sons, Inc., sole responsive bidder, was awarded Hialeah Bid # 2009/10-3230-00-100 – Milander Auditorium – Doors and Hardware, on June 26, 2012, for a total cumulative amount not to exceed \$105,000. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- Q.** Request permission to issue a new purchase order to FWC Metal Works, LLC, since it is advantageous to the City, for additional work with miscellaneous railing at Milander Auditorium, for a total cumulative amount not to exceed \$9,830. FWC Metal Works, LLC, lowest responsive bidder, was awarded Hialeah Bid # 2011/12-3230-00-081 – Milander Auditorium – Miscellaneous Railings, on September 11, 2012, for a total cumulative amount not to exceed \$27,400. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- R.** Request permission to issue a new purchase order to Trane U.S., Inc., since it is advantageous to the City, for additional heating, ventilation, and air conditioning (HVAC) equipment at Milander Auditorium, for a total cumulative amount not to exceed \$850. Trane U.S., Inc. was awarded the HVAC equipment at Milander Auditorium on October 25, 2011, for a total cumulative amount not to exceed \$132,900. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- S.** Request permission to issue a new purchase order to Nel & Sons, Inc., since it is advantageous to the City, for additional heating, ventilation, and air conditioning (HVAC) equipment at Milander Auditorium, for a total cumulative amount not to exceed \$35,084.30. Nel & Sons, Inc., lowest responsive bidder, was awarded Hialeah Bid # 2010/11-3230-00-045 – Milander Auditorium – HVAC, on June 14, 2011, for a total cumulative amount not to exceed \$249,500. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- T.** Request permission to issue a new purchase order to Gee Drywall Company, since it is advantageous to the City, for additional framing and drywall work at Milander Auditorium, for a total cumulative amount not to exceed \$29,918. Gee Drywall Company, lowest responsive bidder, was award Hialeah Bid # 2009/10-3230-00-099 – Framing and Drywall – Milander Auditorium, on March 13, 2012, for a total cumulative amount not to exceed \$173,000. (CONSTRUCTION AND MAINTENANCE DEPT. AND DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (7-0)**
- U.** Request permission to increase purchase order # 2013-1327, since it is advantageous to the City, issued to Miami-Dade County Public Schools, for additional student registration into the City's Education and Community Services 21st Century After-School Young Leaders with Character Program this year at three of the afterschool sites, by an additional amount

of \$4,821, for a new total cumulative amount not to exceed \$22,371. (DEPT. OF EDUCATION AND COMMUNITY SERVICES) **APPROVED (7-0)**

- V. Request permission to increase purchase order # 2013-595, since it is advantageous to the City, issued to Macmillan Oil Company of Florida, Inc., to purchase gasoline and diesel fuel for City vehicles, by an additional amount of \$450,000, for a new total cumulative amount not to exceed \$1,350,000. (FLEET MAINTANANCE DEPT.) **APPROVED (7-0)**
- W. Request permission to increase purchase order # 2013-594, since it is advantageous to the City, issued to Mansfield Oil Company of Gainesville, Inc., to purchase gasoline and diesel fuel for City vehicles, by an additional amount of \$650,000, for a new total cumulative amount not to exceed \$1,950,000. (FLEET MAINTANANCE DEPT.) **APPROVED (7-0)**
- X. Request permission to issue a purchase order to the Law Firm of Hawkins, Delafield & Wood, LLP, for anticipated costs in connection with legal representation for the design, construction and operation of the Reverse Osmosis Water Treating Plant, including, but not limited to, post-contract issues that have arisen during the completion of the construction phase of the Reverse Osmosis Water Treatment Plant, for a total cumulative amount not to exceed \$50,000. (LAW DEPT.) **APPROVED (7-0)**
- Y. Request permission to award Hialeah Bid # 2011/12-3210-00-038 and issue a purchase order to Acosta Tractors, Inc., lowest responsive bidder meeting specification, for Roadway reconstruction of East 7 Avenue, from East 5 to East 9 Street, and East 6 Street, East 6 Place, East 7 Street and East 8 Street from East 6 to East 8 Avenue, for a total cumulative amount not to exceed \$1,867,634.71, of which \$40,000 is for contingency charges. (STREETS DEPT.) **APPROVED (7-0)**
- Z. Request permission to award Hialeah Bid # 2012/13-3210-00-039 and issue a purchase order to Williams Paving Co., Inc., lowest responsive bidder, for roadway reconstruction of East 7 Avenue, from East 19 to East 21 Street, and East 19 Street and East 20 Street, from East 7 to East 8 Avenue, for a total cumulative amount not to exceed \$672,539.38, of which \$25,000 is for contingency charges. (STREETS DEPT.) **APPROVED (7-0)**
- AA. Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Pyramid Business Solution, Inc., for the network cabling of the remodeled Department of Public Works building, for a total cumulative amount not to exceed \$17,200. (DEPT. OF INFORMATION TECHNOLOGY) **APPROVED (7-0)**
- BB. Request permission to issue a purchase order to General Sales Administration T/A Major Police Supply, sole source vendor, to purchase one (1) Automatic License Plate Recognition camera with equipment to be used in the intersection of NW 37 Avenue and 62 Street to assist the Hialeah Police Department in preventing, deterring and eliminating crime in the area, for a total cumulative amount not to exceed \$47,506.24, of which 25,590.24 is for equipment and \$21,916 for construction, installation, permitting and commissioning. (POLICE DEPT.) **APPROVED (7-0)**
- CC. Request permission to issue a purchase order to Insight Public Sector, Inc., sole source vendor, to purchase eighty-two (82) Panasonic laptop computers with adapters to be used as Mobile Data Terminals, and utilize State of Florida Contract # 252-001-09-1 and issue a

purchase order to Shi International, Corp., to purchase eighty-two (82) Microsoft Office Professional Plus 2013, for a total cumulative amount not to exceed \$206,843.36. (POLICE DEPT.) **APPROVED (7-0)**

- DD.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to God is Good, Corp., for the repainting of the 32 Units -Villa Esperanza and the services of pressure cleaning, filling of all cracks, the application of two coats of paint to all exterior walls, and the application of one coat of paint to all exterior doors, for a total cumulative amount not to exceed \$ 17,000. (PURCHASING DEPT.) **APPROVED (7-0)**

- EE.** Proposed resolution endorsing all efforts of the Miami-Dade County Property Appraiser to investigate and identify Homestead Exemption Fraud in order to preserve Ad Valorem Tax Revenues that are due and owing to the City. (ADMINISTRATION) **APPROVED (7-0)**
RESOLUTION NO. 2013-57

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

- FF.** Report of Scrivener's Error – Correction of account number applied, City Council Agenda of November 13, 2012, Item Y. **APPROVED (7-0)**

- GG.** Request permission to increase purchase order # 2013-570, since it is advantageous to the City, issued to Mac Papers, Inc., to purchase paper and related products used in the Print Shop, by an additional amount of \$12,000, for a new total cumulative amount not to exceed \$27,000. (OFFICE OF THE CITY CLERK) **APPROVED (7-0)**

- HH.** Request permission to increase purchase order # 2013-550, since it is advantageous to the City, issued to Law Enforcement Psychological and Counseling Associates, Inc., to provide psychological screening services for the hiring of certified police officers, firefighters and the Employee Assistance Program, by an additional amount of \$7,500, for a new total cumulative amount of \$29,500. (DEPT. OF HUMAN RESOURCES) **APPROVED (7-0)**

- II.** Request permission to waive competitive bids, since it is advantageous to the City due to an unforeseen emergency repair, and issue a purchase order to Oliver Pool Service, Inc., to repair two underground main gutter lines, replace a 50' X 3'slab of concrete at Walker Pool, and repair two underground 8" return lines at Bright Pool, for a total cumulative amount not to exceed \$25,430. (DEPT. OF PARKS AND RECREATION) **APPROVED (7-0)**

- JJ.** Proposed resolution authorizing the expenditure of Law Enforcement Trust Funds – *State*, in an amount not to exceed \$12,464.00 to support the 2013 Hialeah Police Cadet Summer Work Program, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (7-0) RESOLUTION NO. 2013-58**

- KK.** Request permission to waive competitive bids, since it is advantageous to the City, and issue a purchase order to Barbarita Interior Designs, Inc., for the purchase of curtains and panels for a total of \$5,340, and a valance for the stage for a total of \$2,795, for the Milander Center, for a total cumulative amount not to exceed \$8,135. Presently, the Parks

and Recreation Department has existing purchase orders issued to Barbarita Interior Designs, Inc., totaling \$17,561. (DEPT. OF PARKS AND RECREATION) **APPROVED (7-0)**

3. Second reading and public hearing of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 34. Hialeah Park District, of the Code of Ordinances, by revising Hialeah Code § 1630.13 entitled "Permitted Uses, Limitation and Prohibitions" to provide for State-Sanctioned Casino Gambling and related activities, convention and exhibition facilities, medical and dental offices and providing an expanded definition of Equestrian Hospital and training facilities and miscellaneous revisions; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0)**
ORDINANCE NO. 2013-38

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez. MOTION PASSED (7-0)

4. Second reading and public hearing of proposed ordinance approving the Development Agreement by and among Bal Bay Realty Ltd, a Florida Limited Partnership, South Florida Racing Association, LLC, a Florida Limited Liability Company and the City of Hialeah, Florida, a copy of which is attached hereto and made a part hereof as Exhibit "1". Property comprising an area having East 32 Street as its northern boundary, having East 4 Avenue as its eastern boundary, having East 21 Street as its southern boundary and having Palm Avenue as its western boundary; all located in Hialeah, Florida. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION) **APPROVED (7-0) ORDINANCE NO. 2013-39**

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

5. Second reading and public hearing of proposed ordinance amending Hialeah, Fla., Ordinance 12-30 (May 24, 2012) that approved the Okeechobee Metrorail Station Transit-Oriented Development Lease Agreement between Miami-Dade County, Florida and the City of Hialeah, Florida for 99 years to increase the number of senior affordable housing units for development, ancillary uses and parking, from 100 units to 180 units, comprising of three phases of 60 units, with each phase to be completed in successive three-year periods, in the amount of \$1.00; and authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the city, to enter into the lease agreement between the City, as tenant, and Miami-Dade County, Florida, as landlord, in a form acceptable to the City Attorney, and execute any and all documents in furtherance therewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (DEPT. OF GRANTS & HUMAN SERVICES) **APPROVED (7-0) ORDINANCE NO. 2013-40**

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Casals-Muñoz. MOTION PASSED (7-0)

6. Second reading and public hearing of proposed ordinance accepting the offer from the Graham Companies to sell a 2.52-acre unimproved parcel of land comprising of four well sites connected by an access road to serve the Hialeah Reverse Osmosis Water Treatment Plant, consisting of approximately 109,900 square feet of total area, located north of NW 170 Street, along the east side of the Florida Turnpike right-of-way, in unincorporated Miami-Dade County, for the sum of \$300,000.00 and ratify the contract for the sale and purchase of the property with the seller, The Graham Companies, a copy of which is attached hereto and made a part hereof as Exhibit "1"; and authorizing the expenditure of such funds, shared equally by Miami-Dade County, to purchase the property, including the purchase price, agreed-upon closing costs and fees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (DEPT. OF WATER & SEWERS) **APPROVED (7-0) ORDINANCE NO. 2013-41**

Motion to Approve made by Councilman Caragol and seconded by Councilman Hernandez. MOTION PASSED (7-0)

7. Second reading and public hearing of proposed ordinance amending Chapter 74 entitled "Signs" of the Code of Ordinances and in particular, amending Article I. entitled "In General", amending section 74-1 "Definitions" amending the definition of banner sign to include flag, sail, teardrop, and feather banners; amending Article III. entitled "Regulations", Division 1. "Generally", specifically amending section 74-146 "Prohibited Signs and Sign Devices" to exempt certain banner signs from prohibited fluttering, spinning or other similar devices; amending section 74-148 "Temporary Signs" renaming the section "Specific Purpose Signs" and deleting provisions for banner signs therein; amending Division 3. entitled "District Regulations", specifically amending section 74-218 "Signs in other Districts" adding a new subsection (6) entitled "Banner Signs" and providing new regulations for banner signs including duration of display, location, maximum height, width, number, permit application, maintenance and enforcement; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED AS AMENDED (7-0) ORDINANCE NO. 2013-42**

Motion to Approve made by Councilwoman Cue-Fuente and seconded by Councilman Caragol. MOTION PASSED (7-0)

8. Proposed resolution providing annual certification of the need and necessity for continuation of transportation service provided by "For-Hire School Vehicles" pursuant to Hialeah Code § 90-68 and by "For-Hire Vans" and authorizing the License Division to issue business tax receipts in connection therewith. (ADMINISTRATION) **APPROVED (7-0) RESOLUTION NO. 2013-59**

Motion to Approve made by Councilman Hernandez and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

9. Proposed resolution authorizing the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into an agreement with the South Florida Racing Association,

LLC, a Florida Limited Liability Company, relating to Cardroom Gaming Operations at the Hialeah Racetrack, copy of which is attached hereto and made a part hereof as Exhibit “1” to audit and have access to financial books, records and accounts directly related to the calculation of gross receipts from Cardroom Gaming Operations. (ADMINISTRATION)
APPROVED (7-0) RESOLUTION NO. 2013-60

Motion to Approve made by Councilman Hernandez and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

10. Board Appointments - None

11. Unfinished Business – Councilman Hernandez stated that he attended a meeting regarding the Milander Center and Art in Public Spaces, and that none of the artists who presented their ideas was chosen. Councilman Hernandez further stated that another meeting will take place in order to consider the ideas of other artists.

12. New Business

- a. **Mayor Hernandez extended an invitation to everyone to this year’s Fourth of July Celebration.**
- b. **Mayor Hernandez also stated that he recently visited Colombia in order to deliver one of the City’s fire rescue trucks to the State of Atlantico which was impacted by floods. Mayor Hernandez thanked the City on behalf of the firefighters in Colombia, and informed all of how grateful the firefighters are to the City. Mayor Hernandez shared with the Council and audience that he saw the first fire truck the City delivered to Colombia during his visit and it was in impeccable condition with the word “Hialeah” on its door.**
- c. **Council President Isis Garcia-Martinez thanked Marla and her staff for their work in the preparation of the Fourth of July Celebration.**

13. Comments and Questions

- a. **Jose Azze, 788 SE Park Avenue, Hialeah, FL, addressed the Council regarding funding for the youth programs.**
- b. **Juan Santana, 1190 West 56 Street, Hialeah, FL, addressed the Council with comments regarding Item 7 of today’s agenda.**
- c. **Councilwoman Casals-Muñoz invited everyone to the Annual Hialeah Business Expo from 4:00 p.m. to 8:00 p.m. on Thursday, June 27, 2013 at the Milander Center. She stated that this is the first time the City does an exposition with the Hialeah Chamber of Commerce. Councilwoman Casals-Muñoz further stated that businesses throughout the community have already registered for the use of 64 booths for the event.**
- d. **Council Vice President Gonzalez recognized Councilwoman for a job well done with the Chamber of Commerce.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

REPORT: All were duly sworn in.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow Pawnbroking of Secondhand Jewelry by a Retail Jewelry Store on property zoned CR (Commercial-Residential District) and located in the Extended Hialeah Downtown Urban Center District, contra to Hialeah Code §98-1111(21) as referenced in Hialeah Code §98-891. **Property located at 1765-1795 East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Chaled Corporation*) **APPROVED (7-0) ORDINANCE NO. 2013-43**

REPORT: Cesar Mestre, Esq., 7600 West 20 Avenue, Suite 200, Hialeah, Florida 33016, addressed the Council as a Representative of the owner of the property.

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez. MOTION PASSED (7-0)

PZ 2. Letter of denial from the Planning and Zoning Official for rezoning two parcels of land from R-1 (One Family District) to R-2 (One and Two Family Residential District) and allow each duplex on a lot with a 50-foot frontage, total lot area of 6,750 square feet (75-foot width and 7,500 square foot lot area required for each) and consider granting a variance permit to allow a total lot coverage of 50.4% for each (30% maximum allowed) and side setbacks of 5 feet on each lot (7.5 feet required for each). **Property located at 115 West 13 Street, Hialeah.** (Applicant: Eco Hialeah, LLC c/o Eugenio Lage (*ITEM WAS TABLED ON MARCH 26, 2013, APRIL 9, 2013 & on MAY 28, 2013. ITEM TO REMAIN ON TABLE UNTIL JUNE 25, 2013, PER THE APPLICANT'S REQUEST.*)) **APPROVED (6-1) (COUNCIL VICE PRESIDENT GONZALEZ VOTED "NO")**

Motion to Remove from Table made by Council Vice President Gonzalez and seconded by Councilwoman Casals-Muñoz. MOTION PASSED (7-0)

REPORT: Cesar Mestre, Esq., 7600 West 20 Avenue, Suite 200, Hialeah, Florida 33016, addressed the Council as a Representative of the owner of the property.

REPORT: Eugenio Lage, 7811 Coral Way, Suite 100, addressed the Council as the owner of the subject property.

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente. MOTION PASSED (6-1)

- PZ 3.** First reading of proposed ordinance granting a variance permit to allow a duplex on a substandard-sized lot having a width of 57 feet, where a minimum average width of 75 feet is required, and a total area of 6,384 square feet, more or less, where a total area of at least 7,500 square feet is required, contra to Hialeah Code § 98-544. **Property located at 830 Southeast 7 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Irving Pena*) **APPROVED (7-0)**

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

- PZ 4.** First reading of proposed ordinance granting a variance permit to allow a distance of 500 feet from an existing secondhand dealer, where a 2,500-foot distance radius is required, contra to Hialeah Code §§ 98-1111(21). **Property located at 1645 West 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Gamestop Inc. d/b/a GameStop #4600*) **APPROVED (7-0)**

REPORT: Jose Rodriguez, 6788 Main Street, Miami Lakes, addressed the Council as a Representative of the owner of the property.

Motion to Approve made by Councilman Hernandez and seconded by Councilwoman Casals-Muñoz. MOTION PASSED (7-0)

- PZ 5.** First reading of proposed ordinance granting a variance permit to allow a distance of 500 feet from an existing secondhand dealer, where a 2,500-foot distance radius is required, contra to Hialeah Code §§ 98-1111(21). **Property located at 1001 West 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Gamestop Inc d/b/a Gamestop # 474*) **APPROVED (7-0)**

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

- PZ 6.** First reading of proposed ordinance granting a special use permit (SUP) to allow a second-hand dealer on a property zoned C-1 (Restricted Retail Commercial District) and granting a variance permit to allow a distance of 700 feet from an existing secondhand dealer, where a 2,500-foot distance radius is required, contra to Hialeah Code § 98-1111(21). **Property located at 2451 West 68 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Gamestop Inc d/b/a Gamestop # 2285*) **APPROVED (7-0)**

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez. MOTION PASSED (7-0)

LAND USE AMENDMENT

LU 1. Second reading and public hearing of proposed ordinance amending the future land use map from Low Density Residential to Residential Office District. **Property located at 875 East 41 Street, Hialeah, Florida**, zoned R-1 (One Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Eleana Cruz, c/o Ceasar Mestre, Esq.*) **APPROVED (7-0) ORDINANCE NO. 2013-44**

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilwoman Cue-Fuente. MOTION PASSED (7-0)

Meeting was adjourned at 9:15 p.m.

NEXT CITY COUNCIL MEETING: August 13th, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: August 27, 2013 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).